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BEFORE THE ARIZONA CORPORATION (

COMMISSIONERS

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2008 APR 11 P 1:37

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE COMMISSION ON ITS
OWN MOTION INVESTIGATING THE FAILURE
OF MOUNT TIPTON WATER COMPANY, INC.
TO COMPLY WITH COMMISSION RULES AND
REGULATIONS.

DOCKET NO. W-02105A-07-0510

**STAFF'S NOTICE OF FILING LATE
FILED EXHIBITS**

At the March 20, 2008 hearing, Administrative Law Judge Sarah Harpring directed Arizona Corporation Commission Utilities Division Staff ("Staff") to provide the January 3, 2008 Arizona Department of Environmental Quality ("ADEQ") Water Quality Compliance Report for Mt. Tipton Water Company ("Mt. Tipton"). Also, Staff was directed to provide information explaining what monitoring is required by Mt. Tipton to come into ADEQ compliance and what the time period would be for such compliance to occur. Staff has been in communication with ADEQ and received an updated compliance status report that indicates that Mt. Tipton is no longer out of compliance with ADEQ.

Attached Staff hereby provides notice of filing the January 3, 2008 ADEQ Water Compliance Status Report as a late filed exhibit. Staff also provides notice of filing a Staff memorandum explaining that as of March 31, 2008, Mt. Tipton is no longer out of compliance with ADEQ. Likewise, Staff has attached an updated March 31, 2008 ADEQ Water Compliance Status Report.

RESPECTFULLY SUBMITTED this 11th day of April, 2008.


Arizona Corporation Commission

DOCKETED

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DOCKETED BY

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Charles H. Hains
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 The original and thirteen (13) copies
2 of the foregoing were filed this
3 11th day of April, 2008 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing mailed this
9 11th day of April, 2008 to:

10 Mount Tipton Water Company, Inc.
11 P.O. Box 38
12 Dolan Springs, Arizona 86441

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MEMORANDUM

TO: Brian Bozzo, Manager, Compliance and Enforcement
Compliance Section

FROM: Dorothy Hains, P. E. *DH*
Utilities Engineering Section

DATE: March 31, 2008

RE: MT. TIPTON WATER COMPANY (DOCKET NO. W-02105A-07-0510)

Background

During the March 20, 2008 Mt. Tipton Water Company ("Mt. Tipton" or "Company") Hearing, the Administrative Law Judge ("ALJ") ordered Staff to file Staff's late Exhibit by April 11, 2008. Staff Engineer is responsible for two items (1) a copy of ADEQ Water Quality Compliance Status Report issued on January 3, 2008 and (2) statement of time frame when the Company will be in compliance with nitrate monitoring and reporting requirement by ADEQ.

Analysis

1. ADEQ Water Quality Compliance Report of Mt. Tipton issued on January 3, 2008
The requested ADEQ Water Quality Compliance Report is attached.
2. Compliance Status
ADEQ had cited that Mt. Tipton was not in compliance with water quality standard requirement of the Safe Drinking Water Act, due to nitrate violation occurred in August 2007. ADEQ had requested Mt. Tipton to conduct additional nitrate monitoring and reporting since August 23, 2007. However, based on the latest ADEQ Compliance Status Report of Mt. Tipton issued on March 31, 2008, Mt. Tipton is in compliance with ADEQ. This report is also attached.

Conclusion

At the Hearing, Staff reported that ADEQ had determined that Mt. Tipton had resolved its total coliform violation. With the attached ADEQ Compliance Status Report dated on March 31, 2008, ADEQ states that this system is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4. Staff therefore has determined that the Company is currently in full compliance with ADEQ.

Attachments

1. 1/3/08 ADEQ Compliance Status Report.
2. 3/31/08 ADEQ Compliance Status Report

Arizona Department of Environmental Quality
Drinking Water Monitoring and Protection Unit
1110 W. Washington Street, 5415B-1
Phoenix, AZ 85007

Drinking Water Compliance Status Report

Public Water System Name: Mt. Tipton Water Co.

Public Water System ID #: 08-059

Public Water System Type: ☒ Community ☐ Non-transient Non-community ☐ Transient Non-community

Overall Compliance Status: ☐ No Major Deficiencies ☒ Major Deficiencies

Monitoring and Reporting Status: ☐ No Major Deficiencies ☒ Major Deficiencies

Comments:

Total Coliform

This system exceeded the MCL for total coliform in April 2007. In order to resolve the violation, the system must issue a Public Notice, and ADEQ does not have a record of a Public Notice being issued at this time.

The ADEQ database does not show that we have received the required total coliform samples for the month of September 2007.

Nitrate

The ADEQ data base does not show that this water system has provided the required four consecutive quarters of increased nitrate monitoring analyses after exceeding a trigger for increased nitrate monitoring at EPDS002 on 2/03/04 and 2/15/06. The system should have sampled during the 4th quarter of 2007, and the 1st and 2nd quarters of 2008, to have 4 consecutive quarters beginning with the 3rd quarter sample taken on 8/23/07.

The ADEQ data base does not show that this water system has provided the required four consecutive quarters of increased nitrate monitoring analyses after exceeding a trigger for increased nitrate monitoring at EPDS010 on 3/29/06. A sample was taken on 4/5/06 and 8/23/07. The system should have sampled during the 4th quarter of 2007, and the 1st and 2nd quarters of 2008, to have 4 consecutive quarters beginning with the 3rd quarter sample taken on 8/23/07.

Operation and Maintenance Status: ☒ No Major Deficiencies ☐ Major Deficiencies

Comments: *None*

Major unresolved/ongoing operation and maintenance deficiencies:

- | | |
|---|---|
| <input type="checkbox"/> unable to maintain 20psi | <input type="checkbox"/> inadequate storage |
| <input type="checkbox"/> cross connection/backflow problems | <input type="checkbox"/> surface water treatment rule |
| <input type="checkbox"/> treatment deficiencies | <input type="checkbox"/> approval of construction |
| <input type="checkbox"/> certified operator | <input type="checkbox"/> other |

Date of last inspection / sanitary survey: 3-15-2007

Administrative Orders:

Is an ADEQ administrative order in effect? ☐ Yes ☒ No

Comments: *None*

System information:

Number of Entry Points to the Distribution System 6 Number of Sources 8
Population Served 2000 Service Connections 890 Initial Monitoring Year 1994

Evaluation completed by: Donna Calderon, Manager, Drinking Water Monitoring and Protection Unit

Phone: 602-771-4641

Date: January 3, 2008

Because of the previously identified exceedance and compliance monitoring deficiencies, ADEQ cannot determine if this system is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4. This compliance status report does not guarantee the water quality for this system in the future. This compliance status report does not reflect the status of any other water system owned by this utility company.

Arizona Department of Environmental Quality
Drinking Water Monitoring and Protection Unit
1110 W. Washington Street, 5415B-2
Phoenix, AZ 85007

Drinking Water Compliance Status Report

Public Water System Name: Mt. Tipton Water Co.

Public Water System ID #: 08-059

Public Water System Type: ☒ Community ☐ Non-transient Non-community ☐ Transient Non-community

Overall Compliance Status: ☒ No Major Deficiencies ☐ Major Deficiencies

Monitoring and Reporting Status: ☒ No Major Deficiencies ☐ Major Deficiencies

Comments:

Nitrate

The system has begun quarterly monitoring of EPDS 002 and EPDS 010. Samples taken 3/27/08 were 6.2 mg/L and 4.2 mg/L respectively. A subsequent result over the trigger for EPDS 002, does not affect the status of the system.

Operation and Maintenance Status: ☒ No Major Deficiencies ☐ Major Deficiencies

Comments: *None*

Major unresolved/ongoing operation and maintenance deficiencies:

- | | |
|---|---|
| <input type="checkbox"/> unable to maintain 20psi | <input type="checkbox"/> inadequate storage |
| <input type="checkbox"/> cross connection/backflow problems | <input type="checkbox"/> surface water treatment rule |
| <input type="checkbox"/> treatment deficiencies | <input type="checkbox"/> approval of construction |
| <input type="checkbox"/> certified operator | <input type="checkbox"/> other |

Date of last inspection / sanitary survey: 3-15-2007

Administrative Orders:

Is an ADEQ administrative order in effect? ☐ Yes ☒ No

Comments: *None*

System information:

Number of Entry Points to the Distribution System 6 Number of Sources 8
Population Served 2000 Service Connections 890 Initial Monitoring Year 1994

Evaluation completed by: Donna Calderon, Manager, Drinking Water Monitoring and Protection Unit

Phone: 602-771-4641

Date: March 31, 2008

Based upon data submitted by the water system, ADEQ has determined that this system is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4. This compliance status report does not guarantee the water quality for this system in the future. This compliance status report does not reflect the status of any other water system owned by this utility company.